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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                   | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------------|------------------|
| 10/082,235   | 02/26/2002  | John B. Beavers      | SYMC1024                              | 3484             |
| 34350  | 7590        | 10/27/2005           |                                       |                  |
| GUNNISON, MCKAY & HODGSON, L.L.P.<br>1900 GARDEN ROAD, SUITE 220<br>MONTEREY, CA 93940 |             |                      |                                       |                  |
|  |             |                      | EXAMINER<br>PERUNGAVOOR, VENKATANARAY |                  |
|  |             |                      | ART UNIT<br>2132                      | PAPER NUMBER     |
| DATE MAILED: 10/27/2005  |             |                      |                                       |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/082,235

Applicant(s)

BEAVERS, JOHN B.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/22/04, 6/18/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

✓ 2. Claim 1<sup>22 are</sup> rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6208720 B1 to Curtis et al. (hereinafter Curtis).

3. Regarding Claim 1, Curtis discloses the providing a number of alert indications containing information related to the incident see Fig. 4 item 408; comparing one or more alert indications to a set of rules and declaring a incident if a match is found see Fig. 4 item 424; comparing one or more alert indications to a decision table and remembering alert indication and comparing to a correlation data see Fig. 2 item 214-220; declaring an incident based on threshold value see Fig. 4 item 414-416.

4. Regarding Claim 2, Curtis discloses the defined default threshold value is level of severity in alert indications see Col 18 Ln 35-44.

5. Regarding Claim 3, 11, Curtis discloses the incident ticket for each incident having description of incident, a conclusion based on the incident, any actions responsive to the conclusion, a detail of the alert indications associated with the

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incident, tracking rules which identify one or more alert indications see Col 25 Ln 48-59 & Col 24 Ln 28-41 & Col 18 Ln 45-59.

6. Regarding Claim 4, Curtis discloses tracking further based on alert indications and associating tracking rules along with it see Col 22 Ln 65- Col 23 Ln 21 & Col 22 Ln 3-11.

7. Regarding Claim 5, Curtis discloses the associating step being performed after passing threshold value and table containing categories and alert codes see Col 18 Ln 13-29.

8. Regarding Claim 6, 21, Curtis discloses the updating of tracking rules see Col 19 Ln 23-40.

9. Regarding Claim 7, Curtis discloses the normalizing of alert information see Fig. 1 item 124.

10. Regarding Claim 8, 16, 20 Curtis discloses the plurality of devices supplying the alert indications see Col 7 Ln 1-20 & Fig. 3 item 152a-n.

11. Regarding Claim 9, Curtis discloses the default value being derived from a set of rules see Col 13 Ln 43-55.

12. Regarding Claim 10, Curtis discloses the a decision table and set of correlation data that identifies patterns and declaring a incident if a match occurs see Col 10 Ln 24-30 & Col 9 Ln 45-53; a set of rules containing a number of queries and matching rules and inputted alert indications see Col 11 Ln 20-49; set of default standards specifying minimum value declare an incident see Col 18 Ln 44-59.

13. Regarding Claim 12, 19 Curtis discloses the filtering out inputted indication that don't meet threshold value and comparing information to rules see Col 18 Ln 13-35.

14. Regarding Claim 13-14, Curtis discloses the database storing declared incidents see Fig. 1 item 130.

15. Regarding Claim 15, Curtis discloses the linking users via global network see Fig. 1 item 102, 104, 106.

16. Regarding Claim 16, Curtis discloses the displaying of incidents see Col 11 Ln 39-49 & Fig. 3 item 152a-n.

17. Regarding Claim 17, Curtis discloses the combination of customized and default rules see Col 3 Ln 6-23.

18. Regarding Claim 22, Curtis discloses the updating through human based observations see Col 11 Ln 31-38.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication 2002/0083168 A1 to Sweeney et al.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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VP

10/17/2005

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

A handwritten signature in black ink, appearing to read "Gilberto Barron Jr.", with a stylized flourish extending from the end.

GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100